

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

JAMES EARL THOMAS,)	
)	
Plaintiff,)	
)	
vs.)	7:17-cv-00719-LSC
)	
ZYNNIA ZOFRA, in her individual)	
and official capacity, and)	
BEVERLY WHITE, in her individual)	
and official capacity.)	
)	
Defendants.)	

MEMORANDUM OF OPINION

Before the Court is Plaintiff, James Earl Thomas’ (“Thomas” or “Plaintiff”) Motion for leave to proceed *in forma pauperis*. It has come to the Court’s attention that Plaintiff was once in a Psychiatry Center, but is no longer residing there. The Court attempted delivery of its October 6th, 2017, Memorandum of Opinion and Order at his address of record, however, it was returned as undeliverable on December 12, 2017. (Doc. 10.) The notation on the returned mail states, “Refuse Return to Sender Recipient not at this Address.” (*Id.* at 1.)


In the last section of Plaintiff's *pro se* complaint, he signed language which reads, "I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's office may result in the dismissal of my case." (Doc. 1 at 13.)

A plaintiff's failure to supply the Court with an updated address subjects the action to dismissal under Federal Rule of Civil Procedure 41(b). *See* Fed. R. Civ. P. 41(b) (providing for dismissal where "the plaintiff fails to prosecute"); *see also Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (interpreting Rule 41(b) not to restrict the court's inherent authority to dismiss *sua sponte* an action for lack of prosecution); *World Thrust Films, Inc. v. Int'l Family Entm't, Inc.*, 41 F.3d 1454, 1456-57 (11th Cir. 1995); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *White v. City of Grand Rapids*, 34 F. App'x 210, 211 (6th Cir. 2002) (finding *pro se* prisoner's complaint "was subject to dismissal for want of prosecution because he failed to keep the district court apprised of his current address").

For the reasons stated above, Plaintiff's claims are due to be DISMISSED without PREJUDICE for want of prosecution. Additionally, his Motion for Leave

to Proceed *in forma pauperis* is due to be GRANTED. An Order consistent with this Memorandum of Opinion will be entered contemporaneously herewith.

DONE AND ORDERED ON MARCH 26, 2018.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE

190685